

**Federal Defenders
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April 29, 2024

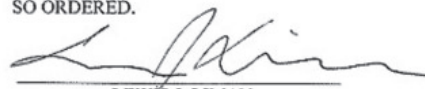
VIA ECF

The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSEMENT.

Application to modify the conditions of bail to
permit Defendant to travel to Disney World is
denied.

5/6/2024 SO ORDERED.



LEWIS J. LIMAN
United States District Judge

**RE: United States v. Timy Hakim
21 Cr. 259 (LJL)**

Dear Judge Liman:

I write in response to the Court's April 26, 2024, order on Mr. Hakim's bail modification request. (Dkt # 105). The Court raised concerns about the likelihood of flight if Mr. Hakim's conditions were modified. For various reasons, the request for Mr. Hakim to visit Disney World in Orlando, Florida next month with his seven-year-old daughter and wife, Lerato Hakim, would not create a flight risk.

The proposed travel would not create a flight risk given Mr. Hakim's longstanding ties to this country. Mr. Hakim has been a United States Citizen since 1987. Presentence Investigation Report ("PSR") ¶ 48. He was educated in Michigan, attending Michigan State University on a wrestling scholarship. PSR ¶ 51. His family ties to Michigan and the United States run deep. His parents and three of his siblings reside in Michigan. PSR ¶¶ 49, 57. He has one sister who resides in Ohio. PSR ¶ 49. Mr. Hakim's three oldest children, his wife, and his youngest daughter (the seven year old) all reside in Michigan. Mrs. Hakim and his daughter relocated to Michigan after his arrest and now plan to remain in Michigan permanently. To this end, Mrs. Hakim started a new job with Frita Batidos, a small chain of Cuban restaurants in Michigan. She is employed as the Key Executive Manager with the company, earning an annual salary of \$62,500. Ex. A (Employment Offer from Frita Batidos). As for Mr. Hakim, he continues to drive Lyft and Uber full time, while refereeing local wrestling matches. PSR ¶ 75.

Moreover, Mr. Hakim has been perfectly compliant on pretrial release since his release from the MDC over 2.5 years ago. He has not failed to appear for a single court date or check in with his Pretrial Services Officer. This Court has approved his travel outside of his district of residence on multiple occasions. Prior to his plea, he was permitted to travel to New York (Dkt #39) and New Jersey (Dkt # 54). After his

guilty plea in this matter, Your Honor approved additional travel to Tennessee (Dkt # 66), and Ohio (DKT # 83). Mr. Hakim abided by his conditions and reporting requirements for each and every approved trip. He will continue to comply with whatever conditions are set by this Court and the Pretrial Services Agency for the requested trip to Florida.

Finally, Mr. Hakim would be closely monitored by the Pretrial Services Agency for the duration of his trip. He is currently monitored using a phone monitoring system called Bi-Smart Link. This monitoring system requires Mr. Hakim to take a picture of his current location and do a live check in with Pretrial Services daily. This form of location monitoring requires Mr. Hakim to be in close and regular contact with the Pretrial Services Agency of the Eastern District of Michigan. This monitoring would be in place for the duration of his trip to Orlando, Florida. Mr. Hakim would also provide his travel itinerary and lodging information to Pretrial one week in advance. Significantly, the Pretrial Services Agency in the Eastern District of Michigan, where Mr. Hakim is being supervised, has no objection to this request. Pretrial in the Southern District of New York and the Government take no position. This means that no parties oppose this bail modification.

I therefore renew Mr. Hakim's request that the Court temporarily modify his bail conditions to allow him to travel from his home in Michigan to Orlando, Florida (and all points in between) from May 23, 2024, to May 27, 2024, to travel with his family during Memorial Day weekend to Orlando, Florida for a trip to Disney World. This will be his last family vacation before his voluntary surrender on June 25, 2024. Mr. Hakim will provide his travel itinerary and lodging information to Pretrial one week in advance.

Thank you for the Court's consideration.

Respectfully submitted,

/s/

Zawadi S. Baharanyi, Esq.
Assistant Federal Defender
(212) 417-8735

cc: AUSA Vlad Vainberg, Esq.

SO ORDERED:

HONORABLE LEWIS J. LIMAN
United States District Judge

EXHIBIT A



April 1th, 2024

Dear Lerato,

We are very excited to extend this offer for you to join us at Frita Batidos! We feel you will be a wonderful fit with us at Frita and I am happy to confirm this formal offer of employment!

Position

The title of your position is Key Executive Manager of Frita Batidos! You will be focusing on the culinary side of things initially, ensuring that our recipes, systems and protocols are executed properly. You will be cross training around the restaurant in order to be involved in all aspects of the business, as needed. You will report to myself, Eve Aronoff Fernandez. This is a full-time, salaried, exempt position, performing the duties including those outlined in the job description. (to be drafted prior to your first day and developed together) You will be responsible for overseeing operations as needed in Ann Arbor and/or Detroit as well as the Frita Airstream.

Salary

Your annual base salary will start at \$62,500. It is our practice to pay bi-weekly. You shall be a full-time and exclusive employee of the company. The company shall be entitled to deduct all applicable taxes and other payments required by applicable law from your compensation.

Bonuses

You will have a bonus potential of up to \$5,000 in addition to your salary and we will design the structure together, tailored to your position based on challenging, but achievable goals. This bonus potential will increase over time.

Insurance

You will be eligible for BCBS PPOM Health Insurance upon starting your position.

Paid Time Off

You will have one week of paid vacation, and we ask that you plan this time to be compatible with what the schedule allows at Frita and to avoid peak business times and special events. If you are sick and/or have other needs for time off, as reasonable and necessary, this will not be deducted from your regular salary.

Start of Employment

Your first day will begin 2-4 weeks after signing this offer letter, on a mutually agreed upon date. By signing this offer letter, you confirm that you will not be subject to any restriction or limitations in favor of a former employer or other third party which could affect your employment with the company.

Conditional Offer

All terms of this offer are subject to satisfactory completion of references and the completion of relevant documents. The determination of "satisfactory" is at the sole discretion of the company. If the company determines through this screening that satisfactory results have not been obtained, or that your stated qualifications or credentials are not confirmed, this conditional offer of employment is void, and you will not be employed by Frita Batidos.

Other Items

By law, you must complete an I-9 Form which states your legal eligibility to work in the USA. Please bring in proper identification that establishes identity and employment eligibility with you on your first day of work. Examples of proper identification include a passport, driver's license, social security card, birth certificate, or visa.

This offer does not constitute a contract of employment as Frita Batidos is an Employment at Will company.

We are so happy that you will be joining us at Frita and look forward to working and growing together!

Thank you and Sincerely,



Eve Aronoff Fernandez

Accepted by _____

Date _____